



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

May 2, 2008

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To: Supervisor Yvonne B. Burke, Chair
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From: 
William T Fujioka
Chief Executive Officer

SERVICE AGREEMENT WITH THE CITY OF LOS ANGELES TO ACCEPT FUNDING ALLOCATIONS FOR THE COMMUNITY LAW ENFORCEMENT AND RECOVERY PROGRAM

On April 1, 2008, your Board instructed the Chief Executive Office (CEO) to provide responses to the following:

- 1) Reasons leading to agreements for *past* County services to the City of Los Angeles;
- 2) Provide recommendations on how the County can avoid retroactive agreements in the future; and,
- 3) Quantify the portion of the salaries and employee benefits that is *unreimbursed* per County agency for the past four agreements with the City of Los Angeles.

The information provided in this report is in response to your Board's instructions.

Background

The Community Law Enforcement and Recovery (CLEAR) program is funded by the Edward Byrne Memorial Justice Assistant Grant (JAG) through the Department of Justice, Bureau of Justice Assistance (BJA). The funding supports all components of the criminal justice system, but requires that agencies in the system (e.g. law enforcement, prosecutorial, probation, etc.) work together collaboratively in this effort.

JAG funding is provided to local jurisdictions based upon Part I crime statistics reported by the Federal Bureau of Investigation. In Los Angeles County, these statistics are reported for cities and the unincorporated area separately. Allocation formulas, for funding, are based upon these same crime statistics. Under this formula, the City of Los Angeles receives a larger share of funding than the County. However, the guidelines recognize that a county may bear the majority of the costs of handling Part I crimes and, therefore, requires that the two governmental bodies reach agreement on use of the funding where this is the case.

In the case of Los Angeles County and the City of Los Angeles, the process of reaching agreement takes place in two stages. In the first stage, the County and City reach agreement on the split of the total grant award from BJA and enter into a Memorandum of Agreement (MOA) for this purpose. In the past, the two entities have agreed to split the grant award 50/50. The MOA is a requirement for receiving funding from the grantor. In the second phase, each entity is free to fund programs of their choice.

The City of Los Angeles desires to obtain professional services from the Sheriff, District Attorney, and Probation Departments and will pay for these services from their 50 percent share of JAG. The City of Los Angeles requires that these agencies enter into a Professional Services Agreement (PSA) for this purpose. The matter presented to your Board on April 1, 2008, requested approval of PSAs for 2005 and 2006 funding.

Reasons Leading to Agreements for Past County Services to the City of Los Angeles

As noted above, the CLEAR Program has been in existence since 1996. The program has received continuous funding since that date through various sources including the Local Law Enforcement Block Grant, which is now JAG.

Although the funding is provided each year, the administrative process described above must be followed each year as well. If the CLEAR program ceases at the end of each funding cycle, until the administrative process is completed there would be a disruption in service delivery. Consequently, when a number of delays are experienced in the administrative process the result is that the agreements represent services that have been provided by the County in the past.

How can the County Avoid Retroactive Agreements in the Future

The following actions are recommended to avoid retroactive contracts in the future with the City of Los Angeles:

- In consultation with County Counsel, the CEO recommends that any future agreements to apply for grant money with the City of Los Angeles be contingent upon the City approving the PSA at the same time as the City approves the agreement to apply for the grant money and that the PSA require the City to make timely payment upon City receipt of the grant funding. The PSA may include language stating that the PSA shall become effective upon release of the grant award.
- Recommend that the County not enter into a CLEAR agreement with the City regarding the potential for new CLEAR sites until the current CLEAR sites are fully reimbursed for all outstanding costs and all funding issues between the City of Los Angeles and the County of Los Angeles have been resolved, effective fiscal year 2008-09.
- Recommend that the County incorporate agreements that include enforceable action items that address the issue of payment expectations. Future County contracts should include requirements for quarterly payment schedules that are agreed upon by all parties.

CLEAR Program Salaries and Employee Benefits per County Agency

Below is a chart detailing the salaries and employee benefits costs associated with the CLEAR program that are pending reimbursement and the net County cost amount by County agency:

District Attorney CLEAR Program

FISCAL YEAR	CITY CLEAR TOTAL COST*	REIMBURSEMENTS RECEIVED FROM CITY	PENDING REIMBURSEMENT FROM THE CITY	NET COUNTY COST (NCC)
2006-07	\$799,454	\$0	\$507,775	\$291,679
2005-06	\$795,750	\$0	\$706,466	\$89,284
2004-05	\$988,637	\$151,970	\$0	\$836,667
2003-04	\$1,152,779	\$596,101	\$0	\$556,678
TOTAL	\$3,736,620	\$748,071	\$1,214,241	\$1,774,308

Sheriff Department CLEAR Program

FISCAL YEAR	CITY CLEAR TOTAL COST*	REIMBURSEMENTS RECEIVED FROM CITY	PENDING REIMBURSEMENT FROM THE CITY	NET COUNTY COST (NCC)
2006-07	N/A	N/A	N/A	\$0
2005-06	\$322,522	\$0	\$322,522	\$0
2004-05	\$178,200	\$178,200	\$0	\$0
2003-04	\$355,965	\$355,965	\$0	\$0
TOTAL	\$856,687	\$534,165	\$322,522	\$0

Probation Department CLEAR Program

FISCAL YEAR	CITY CLEAR TOTAL COST*	REIMBURSEMENTS RECEIVED FROM CITY	PENDING REIMBURSEMENT FROM THE CITY	NET COUNTY COST (NCC)
2006-07	\$1,307,072	\$0	\$535,505	\$771,567
2005-06	\$1,075,257	\$0	\$647,599	\$427,658
2004-05	\$884,892	\$139,305	\$0	\$745,587
2003-04	\$893,209	\$584,484	\$0	\$308,725
TOTAL	\$4,160,430	\$723,789	\$1,183,104	\$2,253,537
GRAND TOTAL	\$8,753,737	\$2,006,025	\$2,719,867	\$4,027,845

*Includes City CLEAR cost funded by the Office of Juvenile Justice Delinquency and Prevention and the Bureau of Justice Assistance.

Conclusion

The CEO, along with County Counsel, District Attorney, Probation, and the Sheriff Departments have worked collectively on the above recommendations and believe that the recommendations will assist the County in avoiding retroactive contracts with the City of Los Angeles in the future and ensure timely payments of future reimbursements.

If you have any questions regarding this matter, please contact Deputy Chief Executive Officer Doyle Campbell, Public Safety, at (213) 893-2374.

WTF:SRH:RDC
DW:JW;VC:llm/yjf

c: Executive Office, Board of Supervisors
 District Attorney's Office
 Sheriff Department
 County Counsel
 Probation Department

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